THE HON'BLE SRI JUSTICE B. PRAKASH RAO

WRIT PETITION No.25556 of 1998

Date: 05.07.2006

Between:

V. Kommal Reddy

… PETITIONER

AND

The Deputy Commissioner,
Prohibition & Excise,
Hanamkonda, Warangal District
& others.

… RESPONDENTS

ORDER:

Heard Sri J. Ramchandra Rao, learned counsel for the petitioner and learned Government Pleader for Excise for respondents.

The petitioner filed this writ petition, *inter alia*, seeking a writ of Mandamus holding the action of the respondents in issuing the attachment order in Form-I dated 14.08.1998 as illegal, arbitrary and contrary to the provisions of the A.P. Revenue Recovery Act II of 1864, calling upon him to pay expenditure towards batta for expenditure incurred for the purpose of attachment of the property.

The main submission made on behalf of the petitioner is that under the provisions of the Revenue Recovery Act (for short "the Act"), the respondent is not empowered to pass the impugned order, as the District Collector is the competent authority to issue the same. It is further submitted that the petitioner has no notice nor there is any enquiry with regard to the determination of the revenue arrears. Hence, the present writ petition.

No counter-affidavit has been filed by the respondents.

Having regard to the submissions made by the learned counsel and admittedly there being no proper determination as to the quantum of liability of the petitioner, the impugned order is liable to be set aside.

The writ petition is accordingly, allowed and the impugned order is set aside. It is open for the competent authority to take appropriate

action as required under law for determination of the actual arrears due from the petitioner and proceed in accordance with law. No costs.

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B. PRAKASH RAO, J

Date: 05.07.2006
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